

EXHIBIT B

**TO THE DECLARATION OF STEVE W. BERMAN
IN SUPPORT OF MOTION TO COMPEL BMS TO ANSWER
INTERROGATORIES**



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VIA TELECOPY

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**Re: In re Pharmaceutical Industry AWP MDL Litigation
MDL No. 1456**

Dear Steve:

I am genuinely confused by your letter of today's date. You write that "AWP is hardly public, but is protected by the federal government." (emphasis added). AWP is published in industry publications that are widely available.

If you mean AMP or BP, we have an agreement on discovery that instead calls for BMS' production of raw transactional and rebate data so that plaintiffs can make any calculations they want. Why are you now attempting to resurrect interrogatories and objections regarding AMP and BP that were negotiated and compromised months ago?

Finally, have you looked at BMS' productions under CMO #5 and #10 relating to governmental investigations? Some of the information you seek in the interrogatories has been produced in BMS' response to the House Energy and Commerce Committee, which you already have.

Very truly yours,



Lyndon M. Tretter

cc: All counsel of record (via Verilaw)

WASHINGTON, DC

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